

July 1, 2022

VIA EMAIL

Attorney Danielle Tierney  
Axley Brynelson, LLP  
2 East Mifflin Street, Suite 200  
Madison, WI 53701-1767

RE: Garbade v. Wishau  
USDC EDWI Case No.: 21-CV-1283  
Our File No.: 20995

Dear Danielle:

We are providing the following comments regarding Defendant's inadequate Responses to Plaintiff's First Interrogatories and Request for Production of Documents in the above matter.

I'm surprised at your objections to Interrogatories 6 and 7 as well as Requests 9 and 10, given your insistence on going to the judge for our objections to your contention interrogatories. The facts that we have determined support your contention interrogatories are our work product. If you insist on getting our work product at this early stage in litigation, we are likewise entitled to all facts relevant to your affirmative defenses.

**INTERROGATORY NO. 6:** Identify all facts upon which you base your affirmative defense that Darnisha Garbade did not engage in protected speech.

**ANSWER:** Objection; calls for a legal conclusion and work product.

**INTERROGATORY NO. 7:** Identify all facts upon which you base your affirmative defense that Taylor Wishau engaged in protected speech.

**ANSWER:** Objection; calls for a legal conclusion and work product.

**REQUEST NO. 9:** Produce all documents in your possession, custody or control relating to, referring to, or referencing your affirmative defense that Darnisha Garbade did not engage in protected speech.

**RESPONSE:** Objection; overly broad, unduly burdensome, calls for a legal conclusion and work product.

**REQUEST NO. 10:** Produce all documents in your possession, custody or control relating to, referring to, or referencing your affirmative defenses that Taylor Wishau engaged in protected speech.

**RESPONSE:** Objection; calls for a legal conclusion and work product.

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2 | Page

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Additionally, in response to our Requests No. 1, 2, 3, and 8 you object that our requests are "overly broad, unduly burdensome, and the information sought is neither relevant nor proportional to the needs of the case."

Here, your objections do not explain *how* the requests are overly broad, unduly burdensome, and *why* they are not relevant or proportional to the needs of this case. Without that information, we are unable to address your concerns and revise our Requests, if doing so is warranted.

We would like to meet and confer regarding these issues as soon as possible, so that any unresolved issues can be brought to Judge Jones' attention and addressed at our upcoming status conference on July 7, 2022 at 11:00am.

Very truly yours,

GINGRAS, THOMSEN & WACHS LLP



Kimberly D. Sweatt